ElectraNet

13 February 2024

Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

Email: biodiversityact@sa.gov.au

RE: BIODIVERSITY ACT FOR SOUTH AUSTRALIA - ELECTRANET SUBMISSION

ElectraNet appreciates the opportunity to comment on the *Developing a Biodiversity Act for South Australia Discussion Paper*. ElectraNet supports the purpose of the proposed Act and its aim to support the conservation of biodiversity and maintain the quality of our nature both now and into the future.

ElectraNet is South Australia's principal electricity transmission network service provider. We own and manage South Australia's transmission network which transports energy from local and distant generation sources to where it is needed to serve electricity customers. The existing network comprises 98 high-voltage substations and approximately 6,000 circuit kilometres of high-voltage transmission lines that cover a total area of 200,000 square kilometres across South Australia.

ElectraNet's vision is to energise South Australia's clean energy future, and operating sustainably continues to be a core part of our business. As part of this commitment, ElectraNet recently received a maximum 5-star rating under the Global Real Estate Sustainability Benchmark (GRESB) an international tool for benchmarking environmental, social and governance (ESG) performance.

ElectraNet looks forward to engaging with the Department in the development of the proposed Act and offers the following comments and suggestions on specific aspects of the Act to ensure that it operates effectively in practice.

The relationship between the Act and current legislation

Various existing legislation at both a federal and state level governs the protection of animals, plants and habitats, including the identification and management of threats to biodiversity. This includes:

- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Landscape South Australia Act 2019 (SA)
- Native Vegetation Act 1991 (SA)
- Fisheries Management Act 2007 (SA)
- Wilderness Protection Act 1992 (SA)
- Pastoral Land Management and Conservation Act 1989 (SA)
- National Parks and Wildlife Act 1972 (SA)

- Environmental Protection Act 1993 (SA)

The definition of 'biodiversity' under the Act potentially encompasses microorganisms, fungi, invertebrates, fishes (and other aquatic organisms), as well as species of plants and animals not native to South Australia including planted vegetation and adapted ecosystems (e.g. farmland).

To assist ElectraNet and other South Australian businesses and individuals to understand the objectives of the Act, the draft legislation and/or the release of further public materials should provide detail on the relationship between current legislation and the Act, including any key differences in processes or requirements. Specifically:

- What aspects of biodiversity will be eligible for protection under the Act, and how will it be protected? Further, how will eligibility be decided?
- How will the public determine when undertaking an activity if potential impacts to biodiversity or protected aspects needs to be assessed?
- How will impacts (or potential impacts) to biodiversity be measured or determined? How will the Act be designed to prevent the overlay of additional complexity to the existing legislative protection for plants and animals native to South Australia? Further, how will alignment with national and international reporting standards be managed?
- If protections under existing legislation are not achieving their objectives, how will this Act lead to improved outcomes over strengthening the existing legislation and its enforcement?
- Existing legislation provides for the development and endorsement of Standard Operating Procedures for certain entities undertaking regular construction and maintenance works on infrastructure. Is there an intention to include this aspect in the Act?

ElectraNet recommends that the framework of the Act should provide options for proponents seeking to undertake relevant actions to avoid any duplication of assessment or offset requirements, or extended assessment periods, under the various legislation.

An example of where the integration of assessment processes under different legislation has successfully occurred previously is the integration of the native vegetation clearance assessment process with development assessment under the *Planning Development and Infrastructure Act 2016* (SA) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

<u>Maintenance of and access to essential infrastructure</u>

Existing legislation incorporates provisions in relation to maintenance of infrastructure. Under the *Native Vegetation Act 1991* (SA), these provisions are supported by ElectraNet's Native Vegetation Standard Operating Procedure.

Ensuring that ElectraNet can efficiently maintain transmission assets is of utmost importance to ElectraNet's ability to carry out its obligations as the primary transmission network service provider in South Australia in order to maintain safe and reliable electricity supply to consumers.

ElectraNet seeks, through the proposed drafting of the Act or further release of public materials, clarification as to how maintenance, emergency restoration, and augmentation of existing and new essential infrastructure will be enabled and protected from excessive approvals under the new Act, especially where transient impacts are incurred.

ElectraNet recommends that the framework of the new proposed Act contain provisions to ensure that any rights (including access rights) of essential service providers, including electricity entities pursuant to the *Electricity Act 1996* (SA) and the *Electricity (General) Regulations 2012* (SA), are not overruled or encumbered by this Act.

Alternatively, a mechanism could be incorporated into the Act to provide that the responsible Minister may make regulations as to how inconsistencies under any other legislation (such as the *Electricity Act 1996* (SA) and the *Electricity (General) Regulations 2012* (SA)) are to be resolved.

This is of particular importance for timely access to essential infrastructure in the case of emergencies and to enable access for maintenance and project works.

New Essential Infrastructure

With the expected increase in demand for electricity as the State transitions to a clean energy future, timely and efficient development of the transmission network is essential.

The challenges of identifying suitable infrastructure corridors that traverse large portions of the state while minimising impacts on stakeholders continues to increase as greater land area is protected for conservation.

ElectraNet recommends that, where it has been demonstrated that the mitigation hierarchy has been met, the framework of the Act should allow a straightforward pathway for development of infrastructure required in the public interest to be approved in protected areas.

Next steps

ElectraNet looks forward to engaging further with the department as the development of the Act continues and we would appreciate the opportunity to meet in person to discuss these issues.

Please direct any queries on this submission to Chris Hanna [redacted].

Yours sincerely



Simon Appleby

Head of Corporate Affairs